

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) JEANNE BENNETT, Administrator)
of the Estate of Michael Manos,)
Deceased,)
)
Plaintiff,)
)
v.)
)
(1) CARTER COUNTY SHERIFF)
IN HIS OFFICIAL CAPACITY)
)
Defendant.)

Case No. CIV-17-289-SPS

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

THIS MATTER comes before the Court on the Joint Motion For Entry of Judgment Upon Agreed Settlement (Dkt. No. 293). Plaintiff appears by and through their lead attorney of record, Smolen, Smolen, & Roytman, PLLC dba Smolen and Roytman.

Defendant appears by and through its lead attorney of record, Collins, Zorn & Wagner, P.C. Upon being advised that the parties have reached a full and final settlement of this action in the amount of \$3,200,000.00 dollars, with \$1,604,604.02 of this amount being paid by ACCO-SIG within fourteen days of the entry of this Judgment and the remaining balance of \$1,595,395.98 having been authorized by the County via entry of a consent judgment, with post-judgment interest pursuant to 28 U.S.C. § 1961, the Court finds as follows:

- 1) That the Court has subject matter jurisdiction of this lawsuit and the parties.

2) That the parties have reached a full and final settlement of this lawsuit with no liability admitted on behalf of Defendant, the Board of County Commissioners of Carter County, or Carter County.

3) That the Board of County Commissioners of Carter County has formally authorized settlement of Plaintiff's lawsuit in the amount of Three Million, Two hundred thousand dollars (\$3,200,000.00), with \$1,604,604.02 of this amount being paid by ACCO-SIG within fourteen days of the entry of this Judgment and the remaining balance of \$1,595,395.98 having been authorized by the County via entry of a consent judgment, with post-judgment interest pursuant to 28 U.S.C. § 1961, and Plaintiff has agreed to the terms of the settlement, which are set forth and reduced to judgment herein, hereby settling all claims that were brought or could have or should have been brought against the Defendant, the Board of County Commissioners of Carter County, or Carter County, and all other Releasees as defined below, arising from or relating in any way to the conduct alleged in the Second Amended Complaint (Dkt. No. 51) or any related conduct of the Releasees alleged to have occurred since the filing of the Second Amended Complaint (Dkt. No. 51), as those claims exist as of the filing of this Journal Entry of Judgment Upon Agreed Settlement.

4) That Plaintiff, on behalf of herself, her heirs, successors and assigns, hereby releases and forever discharges the Defendant, the Board of County Commissioners of Carter County, Carter County, office holders whether state or county, and their past or present board members, employees, agents, representatives, affiliates, successors, assigns and all other persons, firms, corporations that are or may be liable to any extent for any or all claims of any kind or character whatsoever (herein individually

“Releasee” and collectively “Releasees”), arising from or relating in any way to the conduct alleged in the Second Amended Complaint (Dkt. No. 51) or any related conduct of the Releasees alleged to have occurred since the filing of the Second Amended Complaint (Dkt. No. 51), which Plaintiff, as personal representative of the Estate of Michael Manos, individually and/or in all other capacities, now has or under any circumstances could or might have had against any Releasee as of the filing of this Journal Entry of Judgment Upon Agreed Settlement (herein the “Released Claims”).

5) That settlement and payment of Three Million, Two Hundred Thousand Dollars (\$3,200,000.00) is inclusive of all attorney’s fees, liens, pre-judgment interest, and costs, and all medical, dental, doctor, chiropractic, mental health, attorney, hospital and health care provider liens.

6) That if this Judgment were against an individual, it would be payable in full immediately. Because of the statutes of the State of Oklahoma, the paying entity, the Board of Commissioners for Carter County, Oklahoma, will pay \$1,595,395.98 of this Judgment in three equal annual installments, pursuant to Okla. Stat. tit. 62, § 365.5, beginning in 2021, together with post-judgment interest pursuant to 28 U.S.C. § 1961.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Joint Motion and Brief to Enter Journal Entry of Judgment (Dkt. No. 293), is hereby **granted**. Judgment is hereby entered against Defendant in the amount of \$1,595,395.02.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that, in consideration of this consent judgment and the payments to be made hereunder, Plaintiff, on behalf of herself, her heirs, successors and assigns, release and forever discharge Releasee from

any liability for the Released Claims as of the filing of this Journal Entry of Judgment Upon Agreed Settlement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that settlement of this case in the amount of Three Million, Two Hundred Thousand Dollars (\$3,200,000.00) is inclusive of all attorney's fees, liens, pre judgment interest, and costs, and all medical, dental, doctor, chiropractic, mental health, attorney, hospital and health care provider liens.


IT IS FURTHER ORDERED ADJUDGED AND DECREED, that no liability has been admitted by or found against Defendant, the Board of County Commissioners of Carter County or Carter County, and they have advised the Court they have consented to the entry of this Judgment and agreed to its terms in order to avoid the risk of further time, expense, and monetary exposure associated with this case.

IT IS FURTHER ORDERED ADJUDGED AND DECREED, that \$1,604,604.02 will be paid by ACCO-SIG within fourteen days of the entry of this Judgment to Plaintiff and Smolen, Smolen, & Roytman, PLLC dba Smolen and Roytman and Smolen Law, PLLC.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Board of County Commissioners of Carter County will pay \$1,595,395.98, in three equal annual installments, pursuant to Okla. Stat. tit. 62, § 365.5, by April 30 of each year, beginning in 2021, together with post-judgment interest pursuant to 28 U.S.C. § 1961, to Plaintiff and the trust accounts of Smolen, Smolen, & Roytman, PLLC dba Smolen and Roytman and Smolen Law, PLLC (or any successor thereof as directed by Daniel E. Smolen and/or Donald E. Smolen, II). Upon payment of any portion of this Judgment to the Plaintiff, the trust accounts of Smolen, Smolen, & Roytman, PLLC dba Smolen and Roytman and

Smolen Law, PLLC (or any successor thereof as directed by Daniel E. Smolen and/or Donald E. Smolen, II), Releasees shall be released from any and all claims under this Judgment as to that portion of the Judgment paid to such trust accounts.

IT IS SO ORDERED this 19th day of September 2019.



Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma